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SEP 05 2001

September 4, 2001

BY FAX TO: 202-586-4403

The Honorable Spencer Abraham
Secretary of Energy
U.S. Department of Energy
1000 Independence Ave. SW
Washington, D.C. 20585

Dear Secretary Abraham:

Concerned Citizens for Nuclear Safety (CCNS) objects to the lack of proper, reasonable notice and the opportunity for hearing on the Department of Energy's (DOE's) site recommendation of Yucca Mountain for the national high-level nuclear waste repository. On August 21, 2001, with less than thirty days for any interested person to read the DOE's more than 370-page technical report, entitled the "Yucca Mountain Preliminary Site Suitability Evaluation," DOE announced it was holding public hearings in Nevada on the site recommendation of Yucca Mountain between September 5th and 13th, 2001. Not only are these hearings provided with totally inadequate notice, but, for persons who will be affected by the requisite transportation of high-level nuclear waste through their hometowns via rail and road, DOE has provided no opportunity for a public hearing in their communities on the suitability of the recommendation. A few meetings in Nevada does not come close to providing an opportunity for public hearing on a project of this magnitude and immense potential danger to those living on the transportation routes throughout the county. In addition, it is plain that the notice DOE provided was defective not only for being absurdly short notice, but for providing notice to meet at a place, canceling that site, then providing another site with an incorrect address. Moreover, DOE provided that final notice of the meeting at the wrong address on August 31st, the beginning of the long Labor Day weekend, less than five days to the meeting, including the intervening weekend and holiday.

Finally, it is plain from the notices DOE published in the Federal Register on August 21, 27 and 31, 2001 that the public is not clearly placed on notice that these are public hearings on DOE's decision to recommend Yucca Mountain as the site for a national high-level nuclear waste repository. Persons reading the notice are given the impression that these are merely hearings on the Yucca Mountain preliminary site suitability evaluation. Even then, DOE's provision of less than thirty days notice from

concerned citizens for nuclear safety

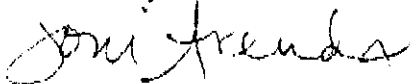
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the availability of the 370 page evaluation and the few hearings in Nevada make it impossible for ordinary citizens to have any meaningful participation in such meetings. The notice was absurdly short even to arrange one's schedule to attend, too far away from most persons who are interested due to being on the high-level nuclear waste transportation routes, too little time to acquire and assimilate the substance of the 370-plus page evaluation of the site, and completely defective due to the errors mentioned above.

There is no doubt that, no matter what provisions may be in the Nuclear Waste Policy Act, the United States Constitution's Fifth Amendment protections require that persons such as ourselves living along the transportation routes--and affected Nevadans--must have at least reasonable notice and an opportunity to be heard on a decision such as this one, a decision with vast repercussions and grave potential dangers. DOE's actions in this regard have not come even close to meeting the most minimal Constitutional protections of citizens' rights to due process in this instance. We are certain you have violated our rights and those of the citizens of Nevada.

CCNS calls on you to reschedule these hearings with adequate notice and provide a meaningful opportunity to be heard by all persons who will be affected by DOE's recommendation of Yucca Mountain as the national high-level waste repository. CCNS requests a hearing in Albuquerque, New Mexico.

Sincerely,



Joni Arends
Waste Programs Director

cc: Lake Barrett, Acting Director
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